

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

COLBY JEROME HALE,

Plaintiff,

v.

Sgt. RYAN BURLESON,

Defendant.

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CIVIL ACTION NO. 5:12-CV-354 (MTT)

ORDER

Before the Court is the Plaintiff's motion to proceed *in forma pauperis* (Doc. 58) on his appeal from this Court's Order (Doc. 51) granting the Defendant's motion to dismiss. However, for the reasons stated in the Magistrate Judge's Report and Recommendation (Doc. 48) – namely, that the Plaintiff failed to submit to a deposition and failed to prosecute his complaint diligently – the Court finds the Plaintiff's appeal is not taken in good faith.

Accordingly, the Plaintiff's motion to proceed *in forma pauperis* on appeal is **DENIED**. See 28 U.S.C. § 1915(a)(3) ("An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith."); Fed. R. App. P. 24(a)(3) ("A party who was permitted to proceed in forma pauperis in the district-court action...may proceed on appeal in forma pauperis...unless...the district court...certifies that the appeal is not taken in good faith"). Any further requests to proceed *in forma pauperis* on appeal should be directed, on motion, to the United States Court of Appeals

for the Eleventh Circuit, in accordance with Rule 24 of the Federal Rules of Appellate Procedure.

SO ORDERED, this 4th day of December, 2013.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT